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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,971	07/09/2003	Hidemitsu Aoki	NE-70095US	8848

7590 12/21/2004
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EXAMINER

LUK, OLIVIA T

ART UNIT	PAPER NUMBER
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2812

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/614,971	Applicant(s) AOKI ET AL.	
	Examiner Olivia T Luk	Art Unit 2812	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 6-14, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Savas et al. (6,805,139) B1.

In re claim 1, Savas et al. disclose forming an SiOC-containing insulating film on a semiconductor substrate, and then selectively removing the insulating film, and removing the insulating film, and removing the residue generated during the previous step with a fluoride-free weak alkaline stripper (col. 5, lines 5-10; col. 10, lines 11-15).

In re claim 2, Savas et al. disclose forming an insulating film having a specific dielectric of 4 or less on a semiconductor substrate by CVD or sputtering, and then selectively removing the insulating film (col. 5, lines 5-10).

In re claims 3 and 14, Savas et al. disclose the insulating film comprises silicon and carbon as constituent elements (col. 5, lines 5-10).

In re claims 6, 7, 17 and 18 Savas et al. disclose the stripper comprises an amine (col. 10, lines 5-10).

In re claims 8, 9, 19 and 20, Savas et al. disclose the step of selectively removing the insulating film comprises forming a resist having an opening on the insulating film, selectively removing the insulating film using the resist as a mask, and then removing at least part of the resist by ashing (col. 15, lines 25-30; col. 12, lines 20-24).

In re claims 10, 11, 21 and 22, Savas et al. disclose a step of rinsing the product using a non-aqueous rinse agent alone after the step of removing the residue (col. 4, lines 26-40).

In re claims 12 and 13, Savas et al. disclose forming a copper-containing metal film and then an SiOC-containing insulating film on a semiconductor substrate, selectively removing the insulating film to form a concave such that a part of the copper-containing film is exposed, and removing a residue generated during selective removal of the insulating film with a fluoride-free weak alkaline stripper (col. 7, lines 17-20; col. 5, lines 5-10; col. 10, lines 11-15)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2812

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Savas et al. (6,805,139) B1.

In re claims 4, 5, 15 and 16, Savas et al. are applied supra, but fail to disclose the stripper has pH within a range of more than 7 and 11 or less. It would have been obvious to one having ordinary skill in the art at the time of the invention to have the pH of the fluoride-free weak alkaline stripper within a range of more than 7 and 11 or less, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References not applied are considered state of the art in the area of semiconductor manufacture.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia T Luk whose telephone number is 571-272-1676. The examiner can normally be reached on 7AM to 4PM Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on 571-272-1679. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2812

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTL
December 14, 2004


John F. Niebling
Supervisory Patent Examiner
Technology Center 2800